



Docket No. 205,209

**TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION OVER AN ISSUED PATENT**

In re Application of:           SMIKODUB

Application No.:               09/868,608

Filed:                           June 18, 2001

For:                            METHOD FOR TREATMENT OF  
PATIENTS USING EMBRYONIC  
CELL SUSPENSIONS

The owner, Centr Embrionalnych Tkany "Emcell", is the owner of 100% percent interest in the instant patent application. Owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 6,184,033 B1.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

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October 15, 2004  
Date

BY: Jay S. Cinamon  
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Attorney of Record

X Terminal disclaimer fee under 37 CFR 1.20(d) included. (\$55.00 small entity)